

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Irrigation & Command Area Development Department – Irregularities committed by Sri V.Mohan Rao, Assistant Engineer while he was working in Stores Sub-Division, Srirama Sagar Project – Dismissed from service - Reinstatement into Service without back wages – Recovery of Rs.13,952/- from the salary/pensionary benefits of the charged officer - Orders – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(1) DEPARTMENT

G.O.Rt.No. 424 .

Dated: 15-04-2010.

Read the following:

1. G.O.Ms.No.155, Irrigation & CAD (Ser.IV(2) Department, dated 07-04-1986.
2. From the Superintending Engineer & Enquiry Officer, Mechanical Circle, Telugu Ganga Project Colony, Kadapa, Letter No.F/WH/72/Con/Vol.1/87/10 C, dated 03-01-1987.
3. Govt. Memo.No.1967/Ser.IV(2)/1985-8, dated 24-08-1987.
4. G.O.Ms.No.103, Irrigation & CAD (Ser.VI(2) Department, dated 29-04-1989.
5. From the Executive Engineer, N.S.L.I., Division No.2, Nizamabad, Endt.No.NSLI/Dn.2/NZB/VMR/EC1/77, dated 13-02-2003.
6. From the Hon'ble A.P.Administrative Tribunal, Hyderabad, Orders dates 19-02-2010 in O.A.No.957/2010 filed by Sri V.Mohan Rao, Asst. Engineer (Dismissed).
7. Govt. Memo.No.57279/Ser.VI(1)/1994-74, dated 12-03-2010.
8. Representation from Sri V.Mohan Rao, Asst. Engineer (Dismissed), dated 17-03-2010 (with enclosures).

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ORDER:

It has been brought to the notice of the Government that Sri V.Mohan Rao, Asst. Engineer while he was incharge of heavy earth moving spare parts section, Stores Division, Srirama Sagar Project committed many irregularities by disposing of the spare parts to private firms at Hyderabad and earned about Rs.1,00,000/- which was invested in rice mill and his native place near Srikakulam. It is also alleged that most of the new spare parts were replaced by old ones and so many old parts were available in the stores worth about Rs.1.00 lakh.

2. The Government after careful examination of the above matter was satisfied that there is a prima-facie case to conduct departmental enquiry against the accused officer and accordingly under rule 19(2) of the A.P.Civil Services (CC&A) Rules, 1963, Sri K.C.S.Reddy, the then Superintending Engineer, Mechanical Circle, Kadapa was appointed as Enquiry Officer to conduct the departmental enquiry against Sri V.Mohan Rao, Asst. Engineer and another vide G.O.1st read above.

3. The Enquiry Officer after conducting enquiry has submitted his enquiry report vide reference 2nd read above. He has framed the following charges against Sri V.Mohan Rao, Asst. Engineer:-

Charge-1: The Assistant Engineer has sold spare parts of machinery unauthorisedly by shifting them to Hyderabad by various means resulting in a shortage of 194 items worth Rs.16,443/- and he has indulged in malpractices to make good these shortages. Replacement value of these materials comes to Rs.20,800=40 (book value + 15% storage charges + 10% supervision charges).

(P.T.O.)

- Charge-2:** He is responsible for the replacement of spare parts by old and used ones costing Rs.32,174=79.
- Charge-3** He tried to adjust the shortages by bringing H.Rs. from the S.Os., of machinery yard sub-division of Srirama Sagar Project even after his transfer to the H.M.S. Sub-Division of L.M.D.Colony. Hence, it is clear that he tried to make good the shortages by bringing HRs.
- Charge-4** Inspite of instructions by the Executive Engineer, Gates Division, Srirama Sagar Project and Superintending Engineer, Srirama Sagar Project not to issue any articles without the permission of the Executive Engineer, Gates Division, he and Sri P.Kiran Kumar, Asst. Executive Engineer continued to issue articles. The spares thus issued during the period from 24-11-1984 to 04-02-1985 without the knowledge of the Executive Engineer, Gates Division are reported to be worth Rs.1,98,450=00 for various units including the Chintagattu Stores Section which includes used and replaced items viz., pump assembly, primary pump groups, cones rejected and returned by the Dy.Executive Engineers, H.M.S.Sub-Division, L.M.D.Colony. Thus he had disobeyed the instructions of his higher authorities deliberately in order to cover up the shortages resulted from his illicit action.

The Enquiry Officer has held that the Charges-1 & 2 are proved and the Charges-3 & 4 are held not proved.

4. While communicating a copy of the Enquiry Officer's report, Sri V.Mohan Rao, Assistant Engineer was directed to make representation on the report of the Enquiry Officer if any within one month from the date of receipt of the Memo., vide reference 3rd read above. It has been reported that even-though the said Memo., was served on the charged officer on 10-10-1987 and no representation has been submitted by Sri V.Mohan Rao, Assistant Engineer.

5. Government after careful examination, final orders were issued duly dismissing Sri V.Mohan Rao, Assistant Engineer from service besides recovery of material loss i.e., Rs.24,304=00 from him after consulting A.P.Public Service Commission vide reference 4th read above.

6. In the reference 5th read above, the Executive Engineer, N.S.L.I. Division No.2, Nizamabad was reported that an amount of Rs.10,351=80 was already recovered against the amount of Rs.24,304=00 from Sri V.Mohan Rao, Asst. Engineer (Dismissed) by Executive Engineer, S.I.Division, Srikakulam as intimated vide his letter No.499M, dated 06-06-1995. The remaining amount of Rs.13,952=20 has to be recovered from Sri V.Mohan Rao, Asst. Engineer (Dismissed).

7. In the reference 6th read above, the Hon'ble A.P.Administrative Tribunal, Hyderabad in its Orders dated 19-02-2010 in O.A.No.957/2010 at the admission stage has passed orders that the applicant is an Assistant Engineer under orders of dismissal. He submits that, he preferred a mercy petition dated 10-02-2009 seeking reinstatement into service. The said petition has not been attended to by the 1st respondent. Therefore, he has filed the present O.A. Having regard to these facts and circumstances, it is desirable to dispose of the application at the admission stage without going into the merits of the case, directing the 1st respondent to consider and pass appropriate orders on the representations filed by the applicant in accordance with the rules within a period of 8 weeks from the date of receipt of a copy of the order. The O.A, stands disposed of accordingly.

8. Government after examining the Judgement dated 19-02-2010 in O.A.No.957/2010, it is found that the Mercy Petition which is said to have been submitted by the above Assistant Engineer has not received in this office. Therefore, in the reference 7th read above, the individual has been requested to furnish the said copies of his representations. Accordingly he has furnished the copies of representations dated 10-02-2007, 10-02-2009 and 27-08-2009 vide reference 8th read above. He has requested in the said Petitions to reinstate him into service without back wages.

9. Government after careful examination of the entire issue, and taking into consideration of the request of Sri V.Mohan Rao, Assistant Engineer (Dismissed) in his Mercy Petition dated 10-02-2009 on humanitarian grounds and also keeping in view the Orders passed by the Hon'ble A.P.Administrative Tribunal, Hyderabad dated 19-02-2010 in O.A.No.957/2010, it has been decided to reinstate Sri V.Mohan Rao, Assistant Engineer (Dismissed) from service without back wages during the period of suspension/dismissal and posting him to a far off, non-focal post. Accordingly, Sri V.Mohan Rao, Assistant Engineer (Dismissed) is hereby reinstated into service, without any payment of back wages.

10. The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad shall take necessary action to recover the remaining amount of Rs.13,952=00 from Sri V.Mohan Rao, Asst. Engineer from the salary/pensionary benefits of the individual and credited into relevant Head of Account.

11. The Engineer-in-Chief (AW), I & CAD Department, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri V.Mohan Rao, Assistant Engineer (Dismissed) through
the Engineer-in-Chief (AW), I & CAD Dept. Hyderabad.
The Engineer-in-Chief (AW), I & CAD Dept., Hyderabad.
The Irrigation & CAD (Ser.I) Department.
Copy to:
The Govt. Pleader for Irrigation & CAD, APAT., Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER